

REMARKS¹

Applicants propose to cancel claim 2, without prejudice or disclaimer of its subject matter, and amended claims 1, 3, 25, and 26. Support for the amendments may be found in the specification at, for example, page 5, line 7 to page 6, line 22, and Figs. 2a and 2b. Upon entry of this Amendment, claims 1, 3, and 6-26 are pending and under examination. In the Final Office Action, the Examiner took the following actions:

- (1) rejected claims 1-3 and 10-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent App. Pub. No. 2002/0174335 ("*Zhang*"); and
- (2) rejected claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over *Zhang* in view of U.S. Patent App. Pub. No. 2003/0084287 ("*Wang*").

Applicants respectfully request reconsideration and withdrawal of the rejections in view of the foregoing amendments and the following reasons.

Examiner's Interview

Applicants and their representative thank Examiner Izunna Okeke for his time and courtesy in granting an interview on November 8, 2010.

During the interview, claim 1 was discussed with respect to the *Zhang* and *Wang* references. Applicants' representative explained how the present claims distinguish over the cited references. Applicants' representative and the Examiner also discussed proposed amendments to further distinguish the claims over the cited references. The substance of the interview is incorporated in this response.

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

Rejection under 35 U.S.C. § 102(b)

Applicants request reconsideration and withdrawal of the rejection of claims 1, 3, and 10-26 under 35 U.S.C. § 102(b) as being anticipated by *Zhang*. The rejection of claim 2 is moot due to its cancellation.

In order to establish anticipation under 35 U.S.C. § 102, the Examiner must show that each and every element as set forth in the claim is found, either expressly or inherently described, in *Zhang*. See M.P.E.P. § 2131. *Zhang*, however, does not disclose each and every element of Applicants' claim 1.

Applicants respectfully submit that *Zhang* does not disclose or suggest at least “if the message does not comprise said key, the mobile host generates the key according to property information stored in the mobile host using a same key generation algorithm as the key generation algorithm used by the AP after said mobile host receives said message,” as recited in claim 1 (emphasis added).

The Final Office Action asserted that *Zhang*, especially in paragraph [0082], discloses that “user computes the key by decrypting encrypted information in access_accept message.” Final Office Action, page 3. However, such disclosure cannot constitute “the mobile host generates the key according to property information stored in the mobile host using a same key generation algorithm as the key generation algorithm used by the AP,” as recited in claim 1. Indeed, *Zhang* merely discloses that the user may decrypt the SS₂, the session key, and the WEP key. See *Zhang*, para. [0082]. However, decrypting an encrypted key is fundamentally different from generating a key according to property information using a key generation algorithm. Therefore, *Zhang* does not disclose the above-quoted recitation of claim 1.

Since *Zhang* does not disclose each and every element of claim 1, *Zhang* does not anticipate claim 1. Claim 1 is therefore allowable over *Zhang*. Claims 25 and 26, while of different scope, contain recitations similar to those of claim 1, and therefore are allowable for at least the same reason as claim 1. Claims 3 and 10-24 are also allowable at least due to their dependence from independent claim 1. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection.

Rejection under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over *Zhang* in view of *Wang*. The Final Office Action has not properly resolved the *Graham* factual inquiries, as required to establish a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In particular, the Final Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Office Action has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B). Therefore, a *prima facie* case of obviousness has not been established, and the burden thus remains with the Office.

Specifically, *Zhang* and *Wang*, taken either alone or in combination, do not teach or suggest at least “if the message does not comprise said key, the mobile host generates the key according to property information stored in the mobile host using a same key generation algorithm as the key generation algorithm used by the AP after said mobile host receives said message,” as recited in claim 1 (emphasis added).

As discussed above, *Zhang* does not disclose or suggest the above quoted claim elements.

Wang does not cure the deficiencies of *Zhang*. For example, paragraphs [0026-0028] of *Wang* merely disclose that the WEP-session keys can be updated. The authentication server 10 generates new WEP session keys and sends the keys to the Access Points and to the STA 20. Or the authentication server may multicast to all or to selected ones of the Access Points a key pair rather than only a single WEP-session key. See *id.* However, *Wang* does not disclose or suggest the above-quoted claim elements recited in claim 1.

For at least the above reasons, claim 1 is allowable over *Zhang* and *Wang*. Therefore, claims 6-9 are allowable at least due to their dependence from independent claim 1. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion

Applicants respectfully request that the Examiner enter this Amendment after Final under 37 C.F.R. § 1.116, placing pending claims 1, 3, and 6-26 in condition for allowance. Applicants submit that the proposed amendments to claims 1, 3, 25, and 26 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate and favorable action by the Examiner.

Applicants further submit that the entry of the amendments would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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